

**WAUKESHA COUNTY  
MINUTES OF THE PARK AND PLANNING COMMISSION  
ADMINISTRATION CENTER  
THURSDAY, JUNE 5, 2008, 1:00 P.M.**

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**CALL TO ORDER**

Pat Haukohl, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present:	Pat Haukohl	Gary Goodchild	Jim Siepmann	
	Walter Kolb	Bonnie Morris	Betty Willert	Walter Baade

Commission

Members Absent: None

Staff

Members Present: Richard L. Mace, Planning and Zoning Division Manager  
Kathy Brady, Secretary Supervisor

Guests Present:	David Kitscha	Karen Johnson	Marva Metzger
	Audrey Eiken	Ken Servi	Mike Herro
	Hilaree Wilkinson	Kalvin Klimeck	Rose Bendy

**CORRESPONDENCE:** None.

**MEETING APPROVAL:**

Mr. Mace suggested the August 7, 2008, Park and Planning Commission meeting be cancelled due to conflicting schedules. If necessary, a meeting will be held on Thursday, July 31, 2008.

**MINUTES:** None.

**PUBLIC COMMENT**

Chairperson Haukohl asked if anyone from the audience wished to address the Commission? There being none, she moved to the next item on the agenda.

**SCHEDULED MATTER:**

- **1:00 p.m. Appointment of Nominating Committee for Officers**

Chairperson Haukohl indicated the Nominating Committee would be Gary Goodchild and Betty Willert. The report of the Nominating Committee and Elections of Officers will be scheduled for the June 19, 2008, Park and Planning Commission meeting.

- **ZT-1675 (Lied's Nursery Company) Town of Lisbon, Section 25 (Agricultural District to the General Industrial District)**

Mr. Mace presented the "Staff Report and Recommendation" dated June 5, 2008, and made a part of these Minutes. He pointed out the location of the property at N63 W22039 Hwy 74, Sussex, WI, in the Town of Lisbon on the aerial photograph.

Mr. Mace indicated the property is on the west end of the Lied's Nursery operation. Adjacent properties include a mobile home park to the north, a high school and middle school to the south and an industrial park to the west. There was discussion as to which surrounding properties were served with sewer and water to which Mr. Mace replied that the industrial park to the west located in the Village of Sussex and

the high/middle schools are served by Sussex sewer and water. The mobile home park to the north, located in the Town of Lisbon, is also sewered by the Sussex Sewer system. Mrs. Willert asked why the property in question would not be served by sewer and water? Mr. Mace answered, that there is no agreement between the Town and the Village to sewer this particular parcel at this time. Although no specific uses for the property were mentioned by the petitioners, the future uses for the property would be subject to a Conditional Use hearing and process and approval by the Town. Mrs. Willert said the "Staff Report and Recommendation" indicated the Town Engineer did not feel the Concept Plan was acceptable and would need revisions. Mr. Mace showed the original Concept Plan presented at the public hearing to the Commission. He then presented the new plan submitted thereafter and noted it was acceptable to the Town Engineer and the County Staff. Chairperson Haukohl asked if water would be served via a community type well? Mr. Mace replied, it was mentioned at the public hearing, however, there are a couple of options available. Another option is a water trust where each of the lot owners in the development owns the well and a budget is established to maintain the well and pay for the water usage. Chairperson Haukohl asked if there were any water issues for this property? Mr. Mace answered, it would depend on how deep the wells are and the needed capacity.

Mr. Servi, petitioner, from Town Line Developer's LLC, reiterated that sewer and water is not available to the site. He pointed out on the aerial photograph the surrounding areas served by sewer and water in the Village of Sussex. He explained that the Village of Sussex would not extend sewer or water to this area of the Town of Lisbon under the border agreement. He stated that he thought the Town of Lisbon would have to agree to annex the property to the Village of Sussex and the Town is not willing to do so. The intent is to sewer the property to the Lannon interceptor through the remainder of the Lied's property. Water would need to be served by individual wells, a municipal well or hooked up to the connection to the Village of Sussex. Chairperson Haukohl pointed out that the General Industrial District coincides with what the Waukesha County Development Plan calls for in this area.

Mr. Mace clarified that there is a border agreement between the Village of Sussex and the Town of Lisbon, however, it may not include this particular property for future service connections.

*After discussion, Mrs. Morris moved, seconded by Mr. Kolb and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

• **CU-1476 (David J. Kitscha) Town of Vernon, Section 33**

Mr. Mace presented the "Staff Memorandum" dated June 5, 2008, and made a part of these Minutes. He pointed out the location of the property at S110 W25500 Hunters Run in the Town of Vernon on the aerial photograph and stated the petitioner is requesting reconsideration of Conditions No. 1 and 5 of the previous Conditional Use approval for a horse boarding facility.

Mr. Mace said after clarification from the Town of Vernon Plan Commission, Condition No. 1 would be changed to read: "No manure shall be placed within 50' of the east lot line" and Condition No 5 would be changed to read: "The hours of operation (the times when people who do not reside on the property may be present on the property for any purpose related to the stable operation) shall be 6:00 a.m. to 10:00 p.m., seven days per week."

*After a brief discussion, Mrs. Willert moved, seconded by Mr. Baade and carried unanimously for approval, as conditioned, in accordance with the “Staff Memorandum”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

- **PO-07-VNT-9 (David J. Kitscha) Town of Vernon, Section 33**

Mr. Mace presented the “Staff Memorandum” dated June 5, 2008, and made a part of these Minutes. He indicated the matter is associated with the previous Conditional Use CU-1476.

*After a brief discussion, Mr. Goodchild moved, seconded by Mr. Siepmann and carried unanimously for approval, as conditioned, in accordance with the “Staff Memorandum”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

- **SCU-1484 (Frank and Hilaree Wilkinsin) Town of Summit, Section 24**

Mr. Mace presented the “Staff Report and Recommendation” dated June 5, 2008, and made a part of these Minutes. He pointed out the location of the property at 1414 North Breezeland Drive, Oconomowoc, WI 53066, in the Town of Summit on the aerial photograph and stated the petitioner is requesting Conditional Use approval for earth altering activities associated with the removal of existing retaining walls.

Mr. Mace indicated the property is located on Lower Nemahbin containing steep slopes towards the lake. The petitioner is proposing to remove the existing retaining walls, consisting of railroad ties and cemented lannon stone, which makes a solid mass of concrete and stone along the slope. Mr. Siepmann added that the slope would be re-graded and naturalized. The Town of Summit Plan Commission expressed concerns regarding two relatively large trees being removed, however, a landscape architect indicated the trees could be prone to disease and are not native to the area. In addition, two hickory trees would be removed and the patio would be expanded on the north side of the residence. Chairperson Haukohl asked if the shed near the lake was conforming, to which Mr. Mace replied, “No”. The Town Plan Commission recommended the shed be allowed to remain and their condition stated it could not be replaced if it was destroyed, rebuilt or remodeled. There was discussion regarding Condition No. 8 and what repairs would or would not be allowed to be done to the shed. The Commission discussed that minor repairs to the shed could include painting or replacement of a board, etc. The Commission decided to revise Condition No. 8 to read:

“The shed cannot be replaced if it is destroyed and cannot be rebuilt or remodeled.”

Mr. Mace cautioned there may be issues in the future with what is considered “repair and/or remodeling” for the shed and suggested Condition No. 8 not be changed. The Commission decided to revise Condition No. 8 (as listed above) and allow the Planning and Zoning Division Staff to enforce the condition. Chairperson Haukohl expressed concerns regarding the large trees, which would be removed, and if they would be replaced. Mr. Siepmann said the Town Plan Commission decided if the Colorado Spruce trees are removed, they should be replaced with something of mass to break up the direct view from the lake to the house. Mr. Pjala from Pjala’s Nursery, referred to his plan noting that a clump serviceberry that is in the eight to ten ft. category, native and deciduous is being proposed. Chairperson Haukohl suggested that the wording “or trees” be added to Condition No. 7. The Commission agreed. Mrs. Willert commented that the project is an improvement to the existing slope on the property.

*After discussion, Mr. Siepmann moved, seconded by Mrs. Willert and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation” with a change to Conditions No. 7 and 8 to read as follows:*

- 7. If the Colorado spruce trees are removed, they should be replaced with natural native plants or trees to soften the screening.*
- 8. The shed cannot be replaced if it is destroyed and cannot be rebuilt or remodeled.*

*The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

• **Mike Herro - Oconomowoc Realty) Town of Oconomowoc, Section 30**

Mr. Mace presented the “Staff Memorandum” dated June 5, 2008, and made a part of these Minutes. He pointed out the location of the property at N58 W39835 Industrial Road in the Town of Oconomowoc on the aerial photograph and stated the petitioner is requesting a determination of whether a doggy day care facility can be considered an unspecified Conditional Use.

Mr. Mace indicated the property is located in an industrial park, south of S.T.H. 16 in the Town of Oconomowoc. The property abuts a large wetland to the southwest and is zoned in the Industrial District. The petitioner is requesting consideration and the right to apply for an Unspecified Conditional Use under Section 3.07(3) of the Waukesha County Zoning Code for a doggy day care facility. Mrs. Willert asked what the size of the property was, to which Mr. Mace replied, 0.98 acre. Chairperson Haukohl asked if the Commission was being asked to place all “doggy day care” requests as Unspecified Conditional Uses? Mr. Mace replied, “Yes”, however, the Commission is not approving the “doggy day care” request today, only the right for the petitioner to apply for Unspecified Conditional Use status.

Some of the Planning and Zoning Division Staff expressed concerns regarding the request because in 2006/2007, a previous petitioner had asked for a Variance to modify the Commercial Kennel provisions of the Ordinance. The Staff felt that “doggy day care” facilities should function under the Commercial Kennel provisions, which require a three-acre minimum lot size, a 200 minimum width, a 50’ offset and a 100’ offset for kennel runs to adjoining lot lines. The Board of Adjustment denied the petitioner’s Variance request and neighbors in the industrial park were against the operation which was a doggy day care as well. Mr. Mace felt that “doggy day care” facilities do not function as kennels because the pets are not boarded overnight, only during the customer’s day working hours. Some of the Planning and Zoning Division Staff felt it was unfair that it was not suggested to the previous applicant that he could have applied for an Unspecified Conditional Use. Mr. Mace said, at that time, he didn’t think of that particular option. Currently, “doggy day care” is not specifically defined in the Ordinance. He noted a number of prior requests, such as one in the Genesee Center on Hwy 83 were considered under the kennel provisions and did not meet the requirements. After discussion with Mr. Shaver, Director, he felt the petitioner could apply under the Unspecified Conditional Use provision without prejudice to the Park and Planning Commission. The Town must also approve such a request. If the right to apply is approved, a public hearing would be scheduled with the Town and the matter will come back before the Commission. The Planning and Zoning Division Staff will work on creating a provision for “doggy day care” in the next round of amendments to the Ordinance.

Chairperson Haukohl said because the property is so small she asked about the effect on the surrounding neighbors with dogs barking outside during the day? Mr. Mace replied, that there are fenced-in areas for the dogs to go outside periodically during the day, but they are not kept outside in this facility. Mrs. Willert added that it would need to be heavily conditioned. Chairperson Haukohl said she would like to

see a definition of “doggy day care” including the differences between it and a kennel. Mr. Goodchild agreed, and cautioned that the Commission is being asked to consider all future “doggy day care” requests as Unspecified Conditional Uses. He agreed that there should be a definition before moving forward with this request.

Mr. Herro, petitioner, said the building is currently vacant and would be perfect for doggy day care. The hours of operation would be from 6:00 a.m. to 7:00 p.m. Dogs would receive one on one attention and are socialized and exercised during the day, dogs are interviewed before being allowed to come to the facility (no excessive barkers or aggressive dogs), dogs go outside in the morning and then again in the afternoon and if there is excessive barking, the dogs are brought back inside. Doggy day care would account for 90% of the business and in addition, parties, training, vet and salon/grooming services would be available. Mr. Mace said he was unaware of the additional services being offered and said grooming services are specifically outlined under the Commercial Kennel provision. Mr. Kolb agreed that adding additional services is more than just a doggy day care.

*After discussion, Mrs. Morris moved, seconded by Mrs. Willert and carried unanimously to table the matter and place it on the June 19, 2008, Park and Planning Commission meeting agenda. The Planning and Zoning Division Staff will create a definition for “Doggy Day Care” vs. “Kennels” and specifically address noise levels (barking), no overnight boarding, day time operation hours, acreage of property, location (zoning district) in which they would be allowed to be located in, number of pets allowed, amount of outside use and present it to the Commission.*

#### **ADJOURNMENT**

*With no further business to come before the Commission, Mr. Baade moved, seconded by Mr. Siepmann to adjourn at 2:15 p.m.*

Respectfully submitted,

Betty Willert  
Secretary

BW:kb